State of California Edmund G. Brown Jr., Governor

# Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun

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## BOARD OF PILOT COMMISSIONERS BOARD MEETING MINUTES November 15, 2012 9:30 a.m.

#### **OPEN MEETING**

#### 1. Call to Order and Roll Call – President Miller

President Knute Michael Miller called the meeting to order at 9:42 a.m. Vice President RADM Frank Johnston and Commissioners Capt. David Wainwright, Capt. Steve Roberts, Capt. John Cronin, and RADM Jack Brooks were present, constituting a quorum. Business, Transportation, and Housing (BTH) Agency Acting Secretary Brian P. Kelly was represented by BTH Deputy General Counsel Gabor Morocz. Members of staff present were Executive Director Allen Garfinkle, Board Counsel Dennis Eagan, Staff Services Analyst Kelly Dolcini, and Office Technician Sigrid Hjelle. San Francisco Bar Pilots (SFBP) President Capt. Peter McIsaac was also seated at the Commission table. Commissioner Eric Osen listened to the meeting from a remote location outside of California and did not speak or otherwise participate in the meeting.

#### 2. Request Approval of Minutes – President Miller

President Miller requested approval of the minutes of the October 25, 2012 Board meeting. Commissioner Brooks moved approval of the minutes with authority to Board staff to make clerical, non-substantive changes. Vice President Johnston seconded the motion, which passed unanimously on a voice vote.

#### 3. Announcements – President Miller

There were no announcements.

#### 4. Board Member Activities – Board Members

Vice President Johnston reported that on November 4, 2012, he had attended a pinning ceremony for midshipmen at the California Maritime Academy who had joined the United States Naval Reserve.

### 5. Executive Director's Report – Executive Director Garfinkle

### A) Correspondence and Activities since the October 25, 2012 meeting.

Executive Director Garfinkle gave a report of correspondence received by Board staff since the last meeting.

On October 24, 2012, Board staff received a letter from Acting Port Agent Capt. Peter McIsaac submitting a recommended training schedule for statutorily mandated training for state licensed pilots. This schedule recommends pilots and dates matching the watch needs of the SFBP and the training needs of the Board.

On October 26, 2012, Board staff received a copy of a letter from Pacific Merchant Shipping Association (PMSA) Vice President Mike Jacob to Captains Wainwright and Roberts, which included comments in support of and seeking amendments to the draft of pilot fitness regulations as amended on September 20, 2012.

On November 6, 2012, Board staff received a copy of a letter to Captains Wainwright and Roberts from PMSA Vice President Mike Jacob supporting the current version of the regulations and forms as amended by the Joint Pilot Fitness and Rules and Regulations Committees.

On November 7, 2012, Board Staff received an invitation from California Maritime Academy to participate in the 13<sup>th</sup> annual California Maritime Career Fair, to be held Tuesday, January 22, 2013.

On November 7, 2012, Board staff received a copy of a letter from SFBP President Bruce Horton, informing the Board that on November 7, 2012, a majority of pilots licensed by the Board elected Capt. Peter McIsaac to the position of President.

On November 8, 2012, Board staff received a letter from Capt. Peter McIsaac informing Board staff that he has been elected President of the SFBP and that, if confirmed as Port Agent, from time to time, members of the SFBP Policy Committee may stand in for him, including Captains John Carlier, Richard Hurt, Daniel Larwood, Raymond Ridens, Steven Teague, and David Wainwright.

## B) Report on pilot licensing matters in the past month and current month.

Between the September and October Board meeting, staff had renewed licenses for Captains Boriolo, Kleess, and Dowdle.

Since the October Board meeting, staff has not renewed any licenses.

#### C) Report on surcharges received by the Board

For the month of October, the Board received \$155,261.42 broken down as follows:

Board Operations Charge: \$48,577.42

Continuing Education Surcharge: \$75,180.00

Trainee Training Surcharge: \$31,504.00

## D) Report on legislative activities and contractual matters.

Executive Director Garfinkle reported that there had been no new legislation affecting the Board since the last meeting.

On the matter of contracts, Executive Director Garfinkle reported that Staff has completed work on the Surcharge Audit invitation for bid (IFB) and it has been advertised. Bidding will close on November 27, 2012 at 2:00 p.m.

California Highway Patrol (CHP) Contract Services Division has been working with Board staff and Port Revel to amend the Port Revel contract to reflect a name change in the contract to the holding company of Port Revel so payment can be expedited for classes which have already taken place.

Executive Director Garfinkle also reported that staff has been working with CHP Contract Services to initiate an Inter-agency agreement (IAA) with the University of Calfornia San Francisco (UCSF) Medical Center for a market-analysis of the new pilot fitness regulations.

Staff continues to work with CHP on contracts for exam professionals, psychomatricians, retired pilot Dave Gates, and CMA for the trainee applicant exam.

Member Morocz commented that CHP may be understaffed and that BTH is examining alternatives for assistance with our contracting.

## 6. Confirmation of new Port Agent pursuant to Harbors and Navigation Code Section 1130 – President Miller

President Miller welcomed San Francisco Bar Pilots President (Capt.) Peter McIsaac, and noted that he was not a stranger to the Board, having served as Port Agent for several years in the past and more recently on several occasions as acting Port Agent. President Miller noted the receipt of correspondence from Capt. Horton reported by Executive Director Garfinkle in his report in which Capt. Horton reported that the membership of the SFBP had, on November 7, 2012, elected Capt. McIsaac to act as Port Agent.

Capt. McIsaac confirmed that he had been elected to serve as Port Agent for a term of two years, commencing on November 7, 2010. In response to a question from President Miller, Commissioners Wainwright and Roberts – both members of the San Francisco Bar Pilots – confirmed that the membership of the organization had elected Capt. McIsaac to act as Port Agent.

President Miller inquired whether Capt. McIsaac was familiar with the requirements of Harbors and Navigation Code section 1130 which specifies the duties of the Port Agent, and

whether he was familiar with Board Regulation 218 which specifies in greater detail the duties of the Port Agent.

Capt. McIsaac stated that he was familiar with both.

President Miller noted that since Capt. McIsaac last served as Port Agent, a substantial number of amendments to the Harbors and Navigation Code had been enacted by the Legislature and approved by the Governors. Also, President Miller noted that the Board had promulgated new regulations and crafted changes to old regulations during the last two years. President Miller asked whether Capt. McIsaac was familiar with the changes to the Board's authorizing statute and its regulations.

Capt. McIsaac stated that he was familiar with both.

President Miller inquired whether Capt. McIsaac believed that he could perform the duties of the Port Agent as specified in statute and the regulations.

Capt. McIsaac stated that he could.

Vice President Johnston moved that the Board – pursuant to Harbors and Navigation Code section 1130 – confirm Capt. McIsaac as Port Agent, effective November 7, 2012. The motion was seconded by Commissioner Roberts. President Miller called for discussion by the Board and comments from the public. There were none.

Whereupon the motion passed unanimously on a voice vote.

President Miller offered congratulations to Port Agent McIsaac on behalf of the entire Board.

President Miller then referred again to the correspondence reported by Executive Director Garfinkle in which Capt. McIsaac had identified pilots who may be called upon to perform some of his duties as Acting Port Agents when he is unavailable. President Miller noted that the designation from time to time of Acting Port Agents did not relieve Capt. McIsaac of his legal responsibilities as Port Agent. Capt. McIsaac acknowledged this fact.

Vice President Johnston moved that the Board acknowledge receipt of correspondence from the Port Agent identifying other pilots who from time to time might be called upon to perform his duties. Commissioner Roberts seconded the motion. President Miller called for discussion by the Board and comments from the public. There were none.

Whereupon the motion passed unanimously on a voice vote.

### 7. Port Agent's Report – SFBP Port Agent Capt. Peter McIsaac

#### A) Monthly report on SFBP ship piloting activity.

Capt. McIsaac reported that billed vessel moves in October, when compared to a three year average were as follows: 593 bar crossings (down 3.3%), 120 bay moves (down 4.9%), 42 river moves (up 32.3%), making total billed moves 755 (down 2.1%), with a

gross registered tonnage (GRT) of 29,242,196 (up 3.0%). When compared to a three year average, bar crossings are down 8.0%, total moves are down 6.7% and gross registered tonnage is down 4.1%.

Capt McIsaac reported that he and Capt Hurt would be traveling to Portland to attend a presentation of the results of a pitch study conducted by the Columbia River Bar Pilots.

Commissioners inquired about whether anyone from the SFBP had been working with the Army Corps of Engineers about pitch in the bar channel. It was determined that timing the arrivals and departures of ships to coincide with favorable tides was a more practical and cost effective option than dredging the bar.

He also reported that the P/V GOLDEN GATE was back in commission as of November 12, 2012 after its annual dry docking. A condition valuation survey was conducted and will be forthcoming. All scheduled yard periods for this year have now been completed.

## B) Monthly report on pilot availability and absences.

Capt. McIsaac reported as follows:

On a daily basis, I am continually watching the dispatch list for any possible minimum rest period (MRP) exceptions. If the potential exception results in a rest period of less than ten hours, different mitigating measures are employed. These measures include, but are not limited to, suspending continuing professional development protocols, cancelling scheduled meetings, cancelling previously granted compensatory time requests, suspending our internal working rules, or calling in off-watch pilots. There were 12 MRP exceptions during the month of October. We currently have 57 licensed pilots, which is three short of the authorized 60.

On October 8, 2012 there were two exceptions of 11.2 and 11.7 hours, there were 30 assignments and one pilot absent for medical reasons (AFMR).

On October 9, 2012 there were six exceptions, varying between 11.5 and 11.9 hours. There were 24 assignments, one pilot AFMR, and one on pilot business.

There was on exception on October 16, 2012 of 10.2 hours when a pilot was called in for a river move. There were 22 assignments, three pilots AFMR, and one pilot acting as Port Agent.

There was also one exception on October 28, 2012 of four hours, when a river pilot was turned around to shift a vessel from dock to dock in Stockton. There were 21 assignments, three pilots AFMR and one on compensatory time.

On October 31, 2012, there were two exceptions of 11.0 and 11.2 hours in length. There were 27 pilot assignments with three pilots AFMR.

Five pilots were absent for medical reasons: Captain Hugo Kenyon was AFMR on August 29, 2012 with a non-work-related injury and was put on medical disability leave by Board staff on October 3, 2012. Captain Erik Fawcett was AFMR on September 29,

2012 with a non-work-related injury and was placed on medical disability leave by Board staff on November 2, 2012. Captain Chris Anderson was placed on medical disability leave by Board staff on September 13, 2012. Captain Tim Holl was AFMR on October 11, 2012 due to a non-work-related illness and placed on medical disability leave by Board staff on November 2, 2012. Capt. Joe Long was AFMR beginning November 9, 2012.

C) Monthly confidential written report of pilots who have been absent for medical reasons (AFMR) presented to Board.

The Board reviewed the confidential written report. After all Board members had had the opportunity to review the report, President Miller asked whether any member wished to go into closed session to discuss the report. There were no requests.

## 8. Pilot Evaluation Committee - Capt. Einar Nyborg

A) Report on August 22, 2012 Committee meeting

In Captain Nyborg's absence, the Port Agent gave the PEC report on his behalf. He reported as follows:

The Pilot Evaluation Committee met on November 14, 2012.

In closed session, all four trainees were interviewed individually. The current trainees include Captains Carr, Johnson, Lingo and Favro. Their time in the program ranges from 12 to 23 months. All trainees have advanced to the final level of training.

Next month's PEC meeting is scheduled for December 12, 2012.

President Miller called for discussion by the Board and comments from the public. There were none.

B) Possible recommendation for a determination that a trainee has or trainees have completed the pilot trainee training program; Possible Board action.

There was no recommendation.

C) Possible Executive Director recommendation for the appointment of a new pilot or pilots; Possible Board action.

There was no recommendation.

## 9. Reported Safety Standard Violations and Investigations – Executive Director Garfinkle

Executive Director Garfinkle reported that on November 14, 2012 at approximately 2:00 p.m., Capt. Nancy Wagner was boarding a ship and pilot ladder step broke loose, causing the rung to slant dangerously. A Board investigator was dispatched to investigate and the Coast Guard Port State Control was advised of the situation.

## 10. Reportable Piloting Events – Executive Director Garfinkle

There have been no reportable piloting events since the last meeting.

A) Status report of the OVERSEAS TAMPA alleged near miss while departing Richmond Long Wharf Berth #2 on February 18, 2012. Request for an extension from the Board to present this report at the December 13, 2012 Board meeting.

Executive Director Garfinkle reported that because of a loss of connectivity, Board staff has been unable to access its cloud computing capability since Tuesday, November 13. One consequence of this technology failure was that the staff was unable to complete the Incident Review Committee (IRC) report in time for today's meeting. Accordingly, the Executive Director requested an extension of time to present the report at the December 13, 2012 Board meeting, or an earlier meeting if scheduled.

President Miller then addressed the Board and stated his view that the Board should proceed with consideration of the IRC report as soon as possible, and not put the matter over until the December 13, 2012 meeting if an earlier date could be found. President Miller asked Board members to consult their calendars. Consensus was reached to schedule an additional meeting of the Board for Monday, November 26, 2012, at which the IRC report on the OVERSEAS TAMPA would be considered.

After discussion among Board members, Commissioner Roberts moved that the Board grant an extension to November 26, 2012. Commissioner Wainwright seconded the motion. President Miller called for additional discussion. There was none. Whereupon the motion passed unanimously on a voice vote, Vice President Johnston abstaining.

B) Report of vessel interaction between the bulk carrier DELTA PRIDE and the tanker OVERSEAS ALCESMAR at the Avon berth (MRZ 8) on October 26, 2012.

Executive Director Garfinkle reported that the incident was under investigation and a report would be forthcoming.

#### 11. Rules and Regulations Committee – Commissioner Wainwright

A) Report on the October 30, 2012 and November 8, 2012 Joint Rules and Regulations Committee and Pilot Fitness Committee meetings.

Commissioner Wainwright reported that the Rules and Regulations Committee had been meeting regularly with the Pilot Fitness Committee and that the joint committee had recently finished work on revised fitness regulations for bar pilots and trainees.

B) Presentation of draft regulations on pilot fitness and recommendation from Joint Rules and Regulations and Pilot Fitness Committees to direct staff to commence formal rulemaking based on draft pilot fitness regulations. Possible Board action to accept recommendation from the Joint Rules and Regulations and Pilot Fitness Committees to direct staff to commence formal rulemaking based on draft pilot fitness regulations.

Commissioners Wainwright and Roberts addressed the Board and recommended that the Board adopt the pilot fitness and fitness determination policies reflected in the draft regulations. They also recommended that the Board direct staff to begin the formal rulemaking process. Member Morocz addressed the Board and stated that while the rulemaking process inevitably would uncover the need for changes or improvements to the draft regulations, no policy changes would be made by staff during the rulemaking process without securing the assent of the Board. Board members discussed the recommendations.

At the conclusion of the discussion, Commissioner Roberts moved that the Board accept the recommendations of the Joint Rules and Regulations and Pilot Fitness Committees and that the Board direct staff to commence formal rulemaking based on the November 15, 2012 draft pilot fitness regulations. Commissioner Wainwright seconded the motion. President Miller called for further discussion by the Board. There was none. He then called for comments from the public. He made reference to Executive Director Garfinkle's report that the Board had received a letter of support for the draft pilot fitness regulations from PMSA Vice President Mike Jacob. President Miller asked that the letter be included as part of the minutes of the Board meeting. Whereupon the motion passed unanimously on a voice vote.

Commissioner Roberts moved that the Board direct staff to begin the formal rulemaking process. Commissioner Johnston seconded the motion. President Miller called for discussion by the board and comments from the public. There were none. Whereupon the motion passed unanimously on a voice vote.

President Miller expressed his personal appreciation and that of the Board to all Board members and staff, the several volunteers, and to the staff of the Business, Transportation, and Housing Agency who contributed to this four year effort by the Board. President Miller expressed his view that the product that will be embodied in the forthcoming regulations will become a model for pilot regulators across the United States and likely in other jurisdictions as well.

#### 12. Finance Committee – Commissioner Cronin.

## A) Report on November 13, 2012 Finance Committee meeting.

Commissioner Cronin reported that the Finance Committee had determined that the number of pilots licensed by the Board would not exceed 58 on January 1, 2013. Accordingly no changes to the bar crossing mill rate are required. He also reported that the Committee found that there are sufficient reserves in the Board's Operations Fund that the surcharge rate can be reduced to 1 percent from the current 1.5 percent. The Committee recommends that the trainee training surcharge should be increased to \$15 per trainee per move from the current \$11 per trainee per move in order that the Trainee Training Fund has sufficient reserves to fund the trainee selection exam planned for 2014. The Committee considered the continuing education surcharge and the pilot vessel surcharge and determined that they are sufficient at current rates and that no changes are needed at this time.

B) Review of the number of licensed bar pilots anticipated on January 1, 2013 and recommendation for possible adjustment to pilotage rates for the calendar quarter beginning on that date as specified in Harbors and Navigation Code section 1190(a)(1). Possible Board action to specify bar crossing mill rate to be charged by licensees during the calendar quarter beginning January 1, 2013 pursuant to Harbors and Navigation Code section 1191(a)(1)(A).

The Board made no changes to the bar crossing pilotage rates for the calendar quarter beginning January 1, 2013.

C) Review Board Operations Surcharge (currently 1.5%), Pilot Continuing Education Surcharge (currently \$105/move), Pilot Trainee Training Surcharge (currently \$11/trainee/move), and Pilot Vessel Surcharge (currently at 3.27 mills or \$0.00327). Possible Board action to adjust any of the above surcharges if warranted.

Commissioner Wainwright moved that the Board operations surcharge be reduced to 1 percent effective January 1, 2013. Commissioner Roberts seconded the motion. President Miller called for discussion by the Board and comments from the public. There were none. Whereupon the motion passed unanimously on a voice vote.

Commissioner Wainwright moved that the trainee training surcharge be increased to \$15 per trainee per move effective January 1, 2013. Commissioner Roberts seconded the motion. President Miller called for discussion by the Board and comments from the public. There were none. Whereupon the motion passed unanimously on a voice vote.

The Board took no action to change the current pilot continuing education surcharge or to change the pilot vessel surcharge.

#### 13. Pilot Fitness Committee – Commissioner Roberts

The business of the Pilot Fitness Committee was addressed in item 11 with the Rules and Regulations business.

#### 14. Low Sulfur Fuel – Executive Director Garfinkle

There was no report

## 15. Ad Hoc Working Group on Trainee Recruitment - Commissioner Wainwright

## A) Report on October 30, 2012 and November 13, 2012 Ad Hoc Working Group meetings.

In the absence of Working Group Chairman Barbara Price, Commissioner Wainwright reported on the Working Group meetings. He reported that the Working Group had largely completed its policy work with respect to its mission. The Working Group has worked closely with the Pilot Evaluation Committee (PEC) in developing its policy recommendations for Board consideration. A proposal to make a modification to previously circulated draft regulations was forwarded to the PEC for its review and advice. For that reason, the Working Group is not prepared to make its recommendations at this meeting, but anticipates doing so at the December Board meeting.

B) Discussion of proposed changes to Board Regulations as recommended by the Ad Hoc Working Group on Trainee Recruitment. Possible Board action to accept Committee recommendation and possible Board action to direct staff to commence formal rulemaking based on Ad Hoc Working Group's recommendations.

The Board took no action.

### 16. Continuing Education Committee – Commissioner Roberts

There was no report

## 17. Pilot Power Committee - Commissioner Roberts

Commissioner Roberts reported that the Pilot Power Committee had not met since the September Board meeting. He also reported that SFBP staff is collecting data required pursuant to Board regulation section 237(d) and would have a report for the Board in January, 2013. He also reported that the Committee expected to have the results of a new confidential retirement survey about the same time.

President Miller called for discussion by the Board and comments from the public. There were none.

#### 18. Ad Hoc Committee on Blue Card Rates – Vice President Johnston

Vice President Johnston reported that the Ad Hoc Committee would be meeting on November 28, 2012 at 1:00 p.m.

## 19. Report of the Attorney General's Office – Board Counsel Eagan

Report on current litigation: Pacific Merchant Shipping Association vs. BOPC and Bruce Horton as Port Agent, Writ of Mandate. The Board may go into closed session to discuss with Board Counsel any matters subject to attorney-client privilege as per Government Code Section 11126(e)(i) of the Bagley-Keene Open Meeting Act.

Board counsel Eagan reported that all parties had completed the briefing requested by the Court of Appeal and that they were awaiting further word from the Court.

20. Report on and Discussion of Board staff response to NTSB Safety Recommendation M-11-19: "Ensure that local pilot oversight organizations effectively monitor and, through their rules and regulations, oversee the practices of their pilots to promote and ensure the highest level of safety." – Executive Director Garfinkle

Executive Director Garfinkle reported that due to the press of other Board business, staff had not been able to complete the draft submittal for Board consideration. He hopes to have the draft completed for consideration at the December 13, 2012 meeting. Accordingly, the Board took no action.

21. A presentation of the IRC Incident Report on the M/T OVERSEAS TAMPA and recommendation to the Board. Board deliberation and decision with respect to possible pilot error. Board determination with respect to further actions if appropriate. The Board may go into closed session for the deliberation of the pilot incident report presented under item 21 above pursuant to Harbors and Navigation Code section 1180.6(a) and Government Code section 11126(c)(3).

In accordance with the action taken by the Board pursuant to Agenda Item 10(A), the Board did not consider Agenda Item 21.

## President Miller addressed the Board concerning the scheduling of Board meetings in January and February 2013:

President Miller addressed the Board on the subject of the timing of the Board meetings presently scheduled for Thursday, January 24, 2013 and Thursday, February 28, 2013. He noted that the first calendar quarter of 2013 will be a time of transition for the Board. He, Commissioner Osen, and Commissioner Wainwright will be termed out on December 31, 2013 and per Harbors and Navigation Code section 1150 cannot be appointed to additional

terms. In addition, Commissioner Roberts' term will conclude on December 31, 2012 but because he is in his first term as a member of the Board, he may be reappointed and he has applied for reappointment. Commissioner Cronin also will be completing his first term, but has not sought reappointment. All Commissioners who will be termed out on December 31, 2012 may hold over until the earlier of an appointment by the Governor to fill their respective seats on the Board, or 60 days (February 29, 2013).

President Miller noted that the Board had elected him and Vice President Johnston to their respective two-year terms of office on February 24, 2011. Those terms will expire at midnight, Saturday, February 23, 2013. In order to reduce the span of time between the Board's December 15, 2012 meeting and its scheduled January 24, 2013 – a span of seven weeks – President Miller proposed that the meeting be rescheduled for Thursday, January 17, 2013. He also proposed that the meeting scheduled for February 28, 2013 be rescheduled for Thursday, February 21, 2013 in order to eliminate the risk that his term of office as President (should he continue in holdover status) and that of Vice President Johnston expire before new officers could be elected by the Board. Harbors and Navigation Code section 1174 provides that a pilot's license ". . . shall be signed by the president of the board." In the president's absence, the Vice President can sign for him.

An election of Board officers should be scheduled for the February Board meeting. Moving the meeting date to February 21, 2013 will ensure that the Board will not be without at least one officer who can perform the duties required under the statute.

The Board discussed President Miller's proposals and agreed that the January and February meetings would be held on January 17, 2013 and February 21, 2013, respectively.

**President Miller announced that the Board would take a 15 minute recess**. The Board stood in recess at 11:04 a.m.

The Board reconvened in open session at 11:24 a.m. President Miller announced that by inspection, all Board members attending the meeting were present and that a quorum was present.

22. Presentation of a request for a disability pension by San Francisco Bar Pilot Capt. Christopher Anderson – Executive Director Garfinkle

Presentation and discussion of disability pension request by SFBP Capt. Christopher Anderson. Possible Board deliberation and finding on:

- A) Whether Capt. Anderson is disabled within the meaning of Harbors and Navigation Code section 1164(b).
- B) If Board determines that Capt. Anderson is disabled as defined in section 1164(b), the Board must determine the date of that permanent disability.

C) Based on the findings in A) and B), the Board must determine the initial target benefit amount pursuant to Harbors and Navigation Code section 1163(a)(1)(B).

Board may go into Closed Session to discuss Capt. Anderson's confidential medical reports as authorized by Harbors and Navigation Code, section 1157.1.

President Miller announced that the Board would go into closed session to consider Agenda Item #22. The Board went into closed session at 11:25.

The Board returned to open session at 12:00 noon having considered Agenda Item 22.

President Miller reported that the Board had considered the application of Capt. Christopher Anderson for a disability pension. The Board had determined that Capt. Anderson is disabled as defined in Harbors and Navigation Code section 1164(b). The Board determined that the date of that permanent disability is July 30, 2012. The Board did not make a determination of the initial target benefit amount pursuant to Harbors and Navigation Code section 1163(a)(1)(B) because it believes that no action by the Board is required. Board staff will make the determination of the initial target benefit based on the requirements of the statute.

#### 23. Public Comment on Matters not on the Agenda

There were no comments.

## 24. Proposals for Additions to Next Month's Agenda

There were none.

#### 25. Adjournment

There being no additional matters to be brought before the Board, it adjourned at 12:01 p.m.

Respectfully submitted,

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Allen Garfinkle

**Executive Director**